



River City Diesel, LLC
1360 Spring Bay Rd Ste A,
East Peoria, IL 61611
Main (309) 822-0600
Fax (309) 822-0680

May 23, 2018

By Overnight and Electronic Mail

Mr. Edward Nam
Director
Air and Radiation Division
Attn: Compliance Tracker, AE-18J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Re: River City Diesel, LLC - Response to February 21, 2018 United States Environmental Protection Agency Information Request Issued Pursuant to Clean Air Act Section 208(a)

Dear Mr. Nam:

This letter and its attachments are hereby submitted on behalf of River City Diesel, LLC ("RCD"), in response to the above-referenced request for information ("Request"), issued by the United States Environmental Protection Agency ("EPA" or "Agency") to River City Diesel, LLC pursuant to Section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a) on February 21, 2018, and received by RCD on or about February 26, 2018.

As confirmed by an email from Mr. Andre Daugavietis on April 26, 2018, EPA granted RCD an extension until May 28, 2018, to respond to the Request.

RCD has engaged in considerable effort to ensure that its submissions are complete and responsive. RCD makes the following general objections and qualifications to EPA's Request:

- RCD objects to the Request insofar as it seeks privileged information, including any and all communications and information that are protected from disclosure by either the attorney-client communication privilege or attorney work-product doctrine.
- RCD objects to the Request to the extent it seeks information beyond the scope of EPA's authority under Section 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a), and therefore is not a proper exercise of EPA's information-gathering authority.
- RCD objects to the Request to the extent it is vague, ambiguous, overbroad, or unduly burdensome.

- RCD objects to the request to the extent it seeks information and documents not in RCD's possession, custody, or control.
- RCD reserves the right to supplement and revise its response, and reserves the right to assert additional objections as it continues to evaluate its response.
- Consistent with the requirements of 40 C.F.R. Part 2, Subpart B, RCD asserts a claim of business confidentiality with respect to the documents and information contained herein and attached hereto marked as "Confidential Business Information," and requests that EPA manage this information to protect the confidential nature of the information in accordance with 40 C.F.R. Part 2.

Accordingly, notwithstanding the foregoing, and without waiving any of the foregoing qualifications and objections, RCD responds as follows:

EPA Request for Information:

Request No. 1:

In an electronic, unlocked spreadsheet list, by product and identifying product name, each product, as defined in Appendix A: Definitions, Paragraph No. 11, which does or enables the following:

- a. Change, affect, modify, bypass, remove, or render inoperative any emission control component, element of design, or emission related part including, but not limited to, the DPF system, EGR system, catalyst system, OBD, SCR, or sensors, signals, or records related to such systems;
- b. Simulate, or can be programmed to simulate, the operation of any emission control component and/or related parts including, but not limited to, the DPF system, EGR system, catalyst, OBD, SCR, or sensors, signals, or records related to these systems; and/or
- c. Modify, or can be programed to modify, engine operating parameters, such as injection timing, fuel pressure, and/or pulse width, emission control parameters, or OBD functions including, but not limited to, those parameters sensed or controlled by the ECM.

Response to Request No. 1:

Non-responsive

Request No. 2:

In a separate electronic, unlocked spreadsheet, for each product identified in Request 1 above, provide the following information:

- a. The product number;
- b. The identifying product name;
- c. The product manufacturer's name and address;
- d. The product supplier's name and address (if different than manufacturer's);
- e. The type of vehicle for which the product is designed, used, or sold; including the make(s), model(s), model year(s), engine type(s), year(s), and expected use(s) (i.e. agriculture, construction equipment, on-road diesel, etc.);
- f. For all products except services, a description of what the product does and how the product operates, and for all products that are or include services, a description of the service and which other products are involved in the service;
- g. The quantity of product that was manufactured and/or produced by you or your representative each calendar year (or partial year if full year not yet available);
- h. The quantity of product that was purchased and/or imported by you or your representative each calendar year (or partial year if full year not yet available);
- i. The quantity of product that was distributed, offered for sale, and/or sold by you or your representative, by year (or partial year if full year not yet available);
- j. The quantity of product that was provided and/or installed by you or your representative, by year (or partial year if full year not yet available); and
- k. Indication of whether the product has been emissions tested and/or certified.

Response to Request No. 2:

Non-responsive





Non-responsive

Request No. 3:

For products identified under Request 1, provide the following:

- a. A list of media through which RCD has advertised (i.e. website, social media, newspaper, verbal, trucking shows, conventions etc.), specifying the name of the media and/or date of truck show or convention;
- b. A list of the Universal Resource Locators (URLs) for any website or social media page that you use or have used to advertise any of the products and/or facilitate sales;
- c. Copies of any advertisements to sell, distribute, or install each product, including advertisements on websites and in other media; and
- d. Copies of any installation or operation instructions, guides, or manuals for each product.

Response to Request No. 3:

Non-responsive

- c. All information in RCD's possession, custody, and control that is responsive to this request is provided in Attachments 03-09.
- d. All information in RCD's possession, custody, and control that is responsive to this request is provided in Attachments 10-18.

Request No. 4:

For products identified in Request 1 above provide all records, such as copies of all receipts or invoices, organized by calendar year, for any and all products that were:

- a. Manufactured or produced by you;

- b. Purchased or imported by you;
- c. Sold or distributed by you; and
- d. Provided or installed by you.

Response to Request No. 4:

Non-responsive

Request No. 5:

Provide the name and address of all distributors, or dealers, of RCD products who distribute, sell, and/or install any products, and the quantities of each products sent to each distributor or dealer, each year.

Response to Request No. 5:

Non-responsive

Request No. 6:

Provide a list, with dates, of the last 10 sales completed through the website; <https://rivercitydiesel.com>. Does RCD still receive orders and/or update this website?

Response to Request No. 6:

As of March 13, 2018, the ten most recent sales completed through RCD's website are as follows:

Non-responsive

Non-responsive



RCD continues to receive orders through its website. RCD continues to maintain its website but does not update the content regularly.

Request No. 7:

Provide a description for how RCD is (or was) related to and/or interacts (or interacted) with ProRaceSupply LLC, the name listed alongside RCD on the RCD website.

Response to Request No. 7:

RCD contracted with ProRaceSupply LLC in 2010 to design and host RCD's website. ProRaceSupply LLC continues to host RCD's website. RCD has no other relationship with ProRaceSupply LLC.

Request No. 8:

For each product identified in Request 1 above, provide any and all documentation that RCD collected from customers to verify or ensure that the vehicles receiving the product offered for sale by you are not for on-road use and are operated only off of public and/or highway roads.

Response to Request No. 8:

RCD does not collect such documentation. RCD does use "race only" disclaimers and/or "liability waivers" to denote products that are intended only for racing use. RCD welcomes the opportunity to discuss with EPA the use and collection of such information going forward.

Request No. 9:

For each product identified in Request 1 above, provide copies of any disclaimers, waivers, notices or releases of liability, assumption of risk and/or indemnity agreements, etc. signed by RCD, its customers, and/or any manufacturers. Provide any documents which relate to knowledge, liability and/or risk associated with the removal and/or modification of emission control components and/or engine parameters (as described in Request 1 (a), (b), and (c)). Some such documents are often, but not always, referred to as "liability waivers."

Response to Request No. 9:

All information in RCD's possession, custody, and control that is responsive to this request is provided in Attachments 10-21.

Request No. 10:

For each product identified in response to Request 1 above, state whether you or any other entity conducted tests measuring emissions of hydrocarbons (HC), carbon monoxide (CO), NO, and/or PM, including tests that measure the impact of the product on a vehicle's emission control components or elements of design. For each test, provide the following:

- a. A description of the test, including identification of the component and vehicle, U.S. EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures; and
- b. A copy of the test report which includes the date and location of the test, the name and position of the person who conducted the test, and the test results.

Response to Request No. 10:

RCD does not perform emissions tests on any products manufactured and/or offered for sale by RCD. RCD understands that Derive Enterprise and its parent company, Derive Systems, works with industry leaders such as West Virginia University's CAFEE Lab, ATDS Laboratories, and SEMA to test their calibrations and ensure EPA compliance, including for their tuner products. Information about Derive's testing can be found on its website: <https://cdn.derivesystems.com/publications/Derive%20Enterprise%20Emissions%20Test.pdf>

Request No. 11:

For products that are identified in response to Request 1 above, state whether you or the manufacturer submitted an application for an Executive Order to the California Air Resources Board and provide a copy of the application for each product. State whether each component received an Executive Order exempting the component from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the component received an Executive Order, provide the Executive Order number and state whether the California Air

Resources Board required you to change the component or application in order to receive approval.

Response to Request No. 11:

RCD does not sell or offer for sale any products in the state of California. RCD has not submitted any applications for an Executive Order to the California Air Resources Board. To the extent that third parties have submitted such applications for products stocked or sold by RCD, these files are not in RCD's possession, custody, or control.

Request No. 12:

Provide the name and address of each location where you have stocked and/or are currently stocking, any of the products identified in response to Request 1. The term "stocked" or "stocking" shall mean the temporary or long-time storage of materials for potential use, sale, or delivery. This definition includes, but is not limited to, the storage of materials within warehouses, vehicles, and/or shipping containers.

Response to Request No. 12:

All items identified in response to Request 1 are stocked at the following address: 1360 Spring Bay Road, East Peoria, Illinois 61611. RCD does not stock products at any other location.

Request No. 13:

Provide a description for how RCD is (or was) related to and interacts (or interacted) with the other entities co-located at 1360 Spring, Bay Rd, such as the service garage, River City Machine, and the NAPA Auto Parts store. For the service garage, provide its current and any former names, parent companies and/or owners, and the date of the most recent transaction or service conducted there.

Response to Request No. 13:

River City Diesel, LLC periodically contracts with River City Machine, LLC to rebuild turbochargers, engines, and injectors and provide machine work. River City Diesel has no affiliation with NAPA Auto Parts.

Josh Davis is the President of "Midwest Truck and 4WD Center, LLC." This company is in the process of winding down. The company remains open solely to provide drive-in service and warranty repairs for previously sold products and services. From time-to-time, as needed to perform repairs and warranty service, Midwest Truck and 4WD Center, LLC purchased parts from River City Diesel, LLC.

Request No. 14:

Provide a description of the activities and/or work that is (or was) conducted at 136 Thunderbird Lane, East Peoria, Illinois 61611, which is the shipping address listed on the River City Diesel website under "Core Charge Policy."

Response to Request No. 14:

Since 2012, no work has been performed by River City Diesel at 136 Thunderbird Lane, East Peoria, Illinois 61611. River City Diesel, LLC has not operated or leased space at that site since 2012.

Request No. 15:

Identify all persons consulted in preparing the answers to this Request for Information including his/her title(s), the request(s) to which each individual responded, and the period of time for which each individual is providing a response.

Response to Request No. 15:

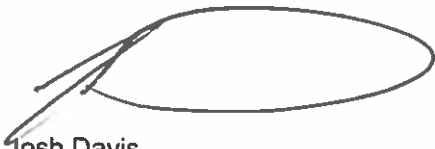
Josh Davis, President, River City Diesel, LLC, has responded to the items in this Request for Information.

* * *

The certification requested in the February 21, 2018 information request is attached hereto.

RCD stands willing to discuss the foregoing responses with EPA at a mutually convenient time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Josh Davis', is written over a large, empty oval shape that serves as a placeholder for a stamp or seal.

Josh Davis
President,
River City Diesel, LLC
(309) 822-0600
josh@rivercitydiesel.com

Enclosures

Statement of Certification

I am submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by River City Diesel, LLC to provide the above information in its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to 18 U.S.C. §§ 1001 and 1341.

Date:

5-23-18

Name (Printed)

Josh Davis

Signature:



Title:

President